IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1430 OF 2007

Virendranath Bhagwatprasad Tiwari ..Applicant

Vs.

Chitra A. Salunkhe and ors. ..Respondents

Mr. N.R. Tiwari i/by M/s. V.B. Tiwari and Co. for applicant.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : July 12, 2007.

P.C.:

1. Heard. This application seeks leave to appeal against the order of acquittal passed under Section 156(3) of Cr.P.C. by the learned Additional Chief Metropolitan Magistrate, 37th Court, Esplanade, Mumbai on 22/1/2007.

2. Initially, by the order dated 20/12/2000 the learned Magistrate had forwarded the complaint to the Senior Police Inspector, Unit-I, Detection Crime Branch, Mumbai and the petitioner had impleaded the

college Principal Shri D.J. Gangurde as accused no.2 and Ms. Chitra Anant Salunkhe as accused no.1. After hearing the learned Advocate for the complainant, the learned Magistrate recorded the main grievance that the complainant was taken in custody for no reasons, mischievously and maliciously by the I.O. from the Azad Maindan Police Station.

3. The Police Inspector, on enquiry, submitted his report and pointed out that between the complainant and the Principal there was a dispute regarding his pay fixation, the complainant had disputed the social status of Ms. Salunkhe alleging that she does not belong to Scheduled Cast and Ms.Salunkhe claims that she belongs to Scheduled Cast and she gets priority over the complainant for the appointment to the post of Lecturer. The dispute between the parties being that of arising from service matter and even the challenge to the social status of Ms. Salunkhe, the same is covered by a special statute enacted by the State of Maharashtra. There was no case made out for offences punishable under Sections 153-A, 191, 192, 196 to 200, 211,

120-B, 464, 468, 469, 470, 471 read with Section 34 of IPC. By the impugned order dated 22/1/2007 the learned Magistrate thought it fit to note that there was no prima facie case made out for issuing process. If the petitioner disputes the social status of Ms.Chitra Salunkhe, his remedy is somewhere else and not before the learned Additional Chief Metropolitan Magistrate. The complaint filed by the petitioner has been rightly closed.

4. Hence, there is no case made out to grant leave to appeal and the application is rejected.

(B.H. Marlapalle,J.)